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3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION  
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7 JESSE HELTON; ALISHA PICCIRILLO;  
8 CHAD LOWE; individually and on behalf of  
9 all others similarly situated,

10 Plaintiffs,

11 vs.

12 FACTOR 5, INC.; FACTOR 5, LLC;  
13 BLUHARVEST, LLC; WHITEHARVEST,  
14 LLC; JULIAN EGGBRECHT; HOLGER  
15 SCHMIDT; THOMAS ENGEL; and DOES  
1-100,

16 Defendants.

Case No: C 10-04927 SBA

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Docket 103, 121

17 On June 19, 2013, Plaintiffs filed an Application for Default Judgment Against  
18 Factor 5 Defendants by Court ("motion for default judgment"). Dkt. 103. On July 22,  
19 2013, this matter was referred to Magistrate Judge Laurel Beeler ("the Magistrate") for a  
20 Report and Recommendation. Dkt. 114. On August 15, 2013, the Magistrate issued a  
21 Report and Recommendation in which she recommends that this Court deny Plaintiffs'  
22 motion for default judgment without prejudice. Dkt. 121.

23 Any objections to the Magistrate's Report and Recommendation were required to be  
24 filed within fourteen days of service thereof. Fed.R.Civ.P. 72(b)(2); 28 U.S.C. §  
25 636(b)(1)(C). The district court must "make a de novo determination of those portions of  
26 the report or specified proposed findings or recommendations to which objection is made,"  
27 and "may accept, reject, or modify, in whole or in part, the findings or recommendations  
28 made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

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1 The deadline for Plaintiffs to object to the Report and Recommendation was August  
2 29, 2013. See Fed.R.Civ.P. 6(a)(1); Fed.R.Civ.P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C). To  
3 date, no objection has been filed. In the absence of a timely objection, the Court "need only  
4 satisfy itself that there is no clear error on the face of the record in order to accept the  
5 recommendation." Fed.R.Civ.P. 72, Advisory Committee Notes (1983) (citing Campbell v.  
6 U.S. Dist. Court, 501 F.2d 196, 206 (9th Cir. 1974)); see also United States v. Reyna-Tapia,  
7 328 F.3d 1114, 1121 (9th Cir. 2003) ("The statute [28 U.S.C. § 636(b)(1)(C)] makes it clear  
8 that the district judge must review the magistrate judge's findings and recommendations de  
9 novo *if [an] objection is made*, but not otherwise.") (en banc). The Court has reviewed the  
10 record on its face and finds no clear error. Accordingly,

11 IT IS HEREBY ORDERED THAT the Magistrate's Report and Recommendation  
12 (Dkt. 121) is ACCEPTED and shall become the Order of this Court. This Order terminates  
13 Docket 103 and Docket 121.

14 IT IS SO ORDERED.

15 Dated: 9/12/2013

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge